

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re : Chapter 11 Case No.
LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (SCC)
Debtors. : (Jointly Administered)
-----X

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):
Spanish Broadcasting System, Inc.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☒ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

Order Granting Plan Administrator's Motion for Summary Judgment Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc.

2. State the date on which the judgment, order, or decree was entered:

01/07/2016

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

Party: Lehman Brothers Holdings Inc., as Plan Administrator

Attorney: Ralph I. Miller
Jacqueline Marcus
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8000

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/ Madlyn Gleich Primoff
Signature of attorney for appellant(s)
(or appellant(s) if not represented by an attorney)

Date: 01/21/2016

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Madlyn Gleich Primoff
Kaye Scholer LLP
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	: Chapter 11 Case No.
	:
LEHMAN BROTHERS HOLDINGS INC., et al.,	: 08-13555 (SCC)
	:
Debtors.	: (Jointly Administered)
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**ORDER GRANTING PLAN ADMINISTRATOR’S MOTION FOR SUMMARY
JUDGMENT REGARDING CLAIM 67707 FILED BY
SPANISH BROADCASTING SYSTEM, INC.**

Upon the Motion of Lehman Brothers Holdings Inc., as Plan Administrator under the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* [ECF No. 22737], on behalf of Lehman Commercial Paper Inc. for Summary Judgment Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc. [ECF No. 50032] (the “Motion”) and the Memorandum of Law of Lehman Brothers Holdings Inc. in Support of the Motion [ECF No. 50033] (the “Memorandum of Law”); and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and Spanish Broadcasting System, Inc. (“Spanish Broadcasting”) having interposed an opposition to the Motion, dated July 23, 2015 [ECF No. 50415] (the “Opposition”); and the Reply Memorandum of Law in Further Support of the Motion, dated August 13, 2015, having been filed by Lehman Brothers Holdings Inc. (“LBHI”) [ECF No. 50596] (the “Reply”); and a hearing having been held on September 21, 2015 (the “Hearing”); and the Court having reviewed the Motion, the Memorandum of Law, the Opposition, the Reply, and the record of the Hearing; and upon all of the proceedings had before the Court; and the Court having determined that the legal and factual bases set forth in the Motion, the Memorandum of Law, and the Reply (the “LBHI Pleadings”), and as set forth at the Hearing, establish just cause for the ruling herein; and

the Court having determined that the relief requested in the LBHI Pleadings and granted herein is in the best interests of the chapter 11 estates, their creditors, and all parties in interest; and based upon the reasoning and the rulings set forth in the Court's *Memorandum Decision Granting Plan Administrator's Motion for Summary Judgment Regarding Claim 67707 Filed by Spanish Broadcasting System, Inc.*, issued on December 29, 2015 [ECF No. 51730]; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Opposition is denied; and it is further

ORDERED that the relief requested in the LBHI Pleadings is granted to the extent provided herein; and it is further

ORDERED that claim number 67707, with the exception of \$273,333.33 (the "Fee Damages Claim"), shall be disallowed in its entirety and expunged from the claims register; and it is further

ORDERED that this Order is without prejudice to (i) LBHI's right to object to the Fee Damages Claim to the extent permitted by prior orders of this Court and (ii) Spanish Broadcasting's right to respond to any such objection; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: January 6, 2016
New York, New York

/S/ Shelley C. Chapman
UNITED STATES BANKRUPTCY JUDGE